

**Note: 19-19 was changed per Ordinance 9240 on 6/21/99.**

## **LICENSES AND PRIVILEGE TAXES**

### **ARTICLE I. OCCUPATIONAL LICENSE TAX**

#### **DIVISION 1. GENERAL PROVISIONS**

##### **Sec. 19-1. Definitions.**

As used in this article:

*Business* includes all activities or acts including professions, trades and occupations, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, but not casual activities or sales.

*Casual activity or sale* means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by this article; and which is wholly unrelated to that person's normal business transaction and which transaction occurs no more than once per calendar year.

*Cigarette vending machine* means any automatic vending machine used for the sale of cigarettes and controlled by the insertion of a coin, slug, token, plate or disc.

*City* means the City of Tucson, Arizona, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form.

*Dealer trade show* means an event having a duration not exceeding twenty (20) consecutive days, whereby dealers are engaged in sales to other dealers; however, such sales activity need not be limited exclusively to sales between dealers.

*Employee* means any individual who performs services for an employing unit and who is subject to the direction, rule, or control of the employing unit as to both the method of performing or executing the services and the results to be effected or accomplished; or who directs, rules or controls the employing unit, except employee does not include:

- (1) An individual who performs services as an independent contractor, business person, agent or consultant, or in a capacity characteristic of an independent profession, trade, skill or occupation.
- (2) An individual subject to the direction, rule, control or subject to the right of direction, rule or control of an employing unit solely because of a provision of law regulating the organization, trade or business of the employing unit.

*Employing unit* means an individual or type of organization, including a sole proprietorship, partnership, association, trust estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor of any of the foregoing, or the legal representative of a deceased person, who directs, rules or controls activity of one or more employees toward a purpose or objective.

*Federally exempt organization* means an organization which has received a determination of exemption under 26 U.S.C. section 501(c) and rules and regulations of the Commissioner of Internal Revenue pertaining to same, but not including a "governmental entity", "non-licensed business" or "public educational entity".

*Finance director* means the finance director of the city.

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*Hotel* means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer, at a fixed location or other similar structure or portion thereof, and also means any space, lot or slab which is occupied or intended or designed for occupancy by transients in a mobile home or house trailer furnished by them for such occupancy. It includes any building or group of buildings containing sleeping accommodations for more than five (5) persons which are open to the transient public. It does not mean any convalescent home or facility, home for the aged, hospital, jail, military installation, fraternity or sorority house, nor does it mean a structure operated exclusively by an association, institution, governmental agency or corporation for religious, charitable or educational purpose or purposes, no part of the earnings of which association or corporation inures to the benefit of any private shareholder or individual.

*Hotel operator* means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agency of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this section and shall have the same duties and liabilities as his principal.

*Jukebox* means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

*Liquor sale* means the sale of all alcoholic beverages as regulated by the Arizona Department of Liquor License and Control.

*Mechanical amusement device* includes any machine, except any machine in or upon which children may ride, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally or used as a game, entertainment or amusement, excepting pay television, whether or not registering a score, as well as such devices as marble machines, pinball machines, skill ball, mechanical grab machines, miniature or mechanical billiard or snooker tables, or bumper pool, and all games, operation or transactions similar thereto.

*Occupancy* means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

*Person* means an individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the federal government, this state or any political subdivision or agency of this state. For the purposes of this chapter, a person shall be considered a distinct and separate person from any general or limited partnership or joint venture or other association with which such person is affiliated. A subsidiary corporation shall be considered a separate person from its parent corporation for purposes of taxation of transactions with its parent corporation.

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*Promoter* means an individual who promotes, schedules, contracts for, or otherwise arranges for a sales event, show, exhibition or any other public event where other individuals gather to sell, show, exhibit, display, entertain or in any other way render services to the general public for periods of twenty-one (21) consecutive days or less.

*Rent* means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

*Street fair* means an open-air marketplace event, having a duration not exceeding five (5) consecutive days, the boundaries of which have been set by the city for use by street fair vendors selected as set forth in section 7-300(b) and (c) of this Code and in which:

- (1) Public access to the city streets and alleys is curtailed by city action designating the specific portions of streets and alleys to be utilized for a specific time for street fair purposes only; and
- (2) Public access to city sidewalks is curtailed by city action limiting use of the sidewalks to pedestrian traffic only and prohibiting vending to, from, or upon those sidewalks during the specific time set for the street fair.

*Street fair vendor* means anyone who sells a product or renders a service at a street fair as defined in this article.

*Successor in interest* means any person who acquires a business interest by any means whatsoever.

*Swap meet* means a place of commercial activity, popularly known as a swap meet, flea market, park-and-swap, which is:

- (1) Open to the general public for the purchase of merchandise on the premises;
- (2) Available to the general public who wish to sell merchandise on the premises, whether such sellers or vendors are in the business of vending or are making casual sales or some combination thereof;
- (3) Composed of stalls, stands or spaces allotted to vendors, at least one (1) of whom does not occupy the same allotted space or spaces on an uninterrupted continuous daily basis.

*Swap meet premises* means any building, structure, lot or other area at which a swap meet sale is conducted.

*Swap meet proprietor* means any person who rents, sells, donates or otherwise makes available to swap meet vendors any space within premises owned or controlled by the swap meet proprietor for the purpose of making sales.

*Swap meet vendor* means any person upon the swap meet premises for the purpose of causing the advertisement of or making a sale at a swap meet.

*Tax collector* means the finance director or his/her designee or agent.

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*Transient* means any person who exercises occupancy or is entitled to occupancy of a hotel as defined in this section by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this section may be considered.

*Vending machine* or *machine* means cigarette vending machine, jukebox or mechanical amusement machine.

*Vending machine distributor* means any person having his principal place of business in the city, or who conducts any portion of his business in the city, who sells, leases or rents for operation in the city under any kind of an agreement, or has an interest in by agreement or contract or otherwise, or services and maintains, one (1) or more of the machines defined in this section.

*Vending machine owner-operator* means any person who owns and operates or maintains one (1) or more "vending machines" as defined in this section, upon premises owned, operated, controlled or leased by him.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 1, 9-27-93)

### **Sec. 19-2. License required.**

(a) It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or an officer of any corporation, or as a member of any firm or co-partnership, or otherwise, to:

- (1) Commence, practice, transact or carry on any trade, calling, profession, occupation or business, subject to the imposition of a license tax under this article without first having procured a license from the city to do so, or without complying with any and all relations of such trade, calling, profession, occupation or business designated in this article.
- (2) Fail or refuse to make any return required by this article.
- (3) Fail to remit as and when due the full amount of any tax or additional tax or penalty and interest thereon.
- (4) Make or cause to be made a false or fraudulent return.
- (5) Make or cause to be made a false or fraudulent statement in a return, in written support of a return, or to demonstrate or support entitlement to a deduction, exclusion or credit or to entitle the person to an allocation or apportionment or receipts subject to tax.
- (6) Fail or refuse to permit any lawful examination of any book, account, record or other memorandum by the tax collector.
- (7) Fail or refuse to obtain a quarterly business license or to aid or abet another in any attempt to intentionally refuse to obtain such a license or evade the license fee.
- (8) Reproduce, forge, falsify, fraudulently obtain or secure, or aid or abet another in any attempt to reproduce, forge, falsify, or fraudulently obtain or secure, an exemption from taxes imposed by this article.

(b) The violation of any provision of subsection (a) above shall constitute class 2 misdemeanor. Such violation shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, transacted or carried on. The granting of a license is not to be deemed as evidence or proof that the licensee

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has complied with the provisions of this chapter or other provisions of this Code, nor shall it stop the prosecution by the city for any violation of this Code.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-3. Issuance by tax collector; contents.**

It shall be the duty of the tax collector, or such other person to whom may be assigned the duty, to prepare and issue a license under this article for every person required to pay a license tax hereunder, and to state the number of employees, the period of time covered thereby, and the location or place of business where such trade or business is to be practiced, or carried on.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-4. When taxes due.**

(a) The quarterly license tax provided for in divisions 2 and 3, of this article shall be due and payable on the first day of January, April, July and October of each year.

(b) Annual licenses taxes as set out in divisions 2 and 3, of this article shall become due on the first day of January, April, July, or October, according to date of original application.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-5. Prorating quarterly taxes.**

License taxes prescribed by this article shall be diminished by one-third (1/3) of a full quarterly fee for each month of the tax period which has fully lapsed at the date of the license application.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-6. When taxes delinquent; penalty and interest applied.**

(a) Any quarterly license tax provided for herein shall become delinquent if not received by the city within twenty (20) days after becoming due. The tax collector shall, on the day the same becomes delinquent, add thereto an amount equal to ten (10) percent of the total amount of any tax unpaid and delinquent as a penalty. No license shall be issued by the tax collector until the delinquent license taxes and penalties have been paid in full.

(b) Annual license taxes shall become delinquent if not received by the city within twenty (20) days after becoming due. The tax collector shall, on the day same become delinquent, add thereto a penalty amount equal to ten (10) percent of one (1) quarterly payment. No license shall be issued by the tax collector until the delinquent license taxes and penalty have been paid in full.

(c) It shall be the taxpayer's responsibility to cause his return and remittance to be timely received. Mailing the return or remittance on or before the due day or delinquency date does not relieve the taxpayer of the responsibility of causing his report and remittance to be received on or before the twentieth (20th) day of the month in which the [license tax] becomes due.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 2, 9-27-93)

### **Sec. 19-7. Time, place of payment generally.**

All taxes required by this article shall be paid in advance to the tax collector at city hall.

(Ord. No. 7885, § 2, 8-3-92)

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### **Sec. 19-8. Mistake not to prevent collecting correct amount.**

In no case shall any mistake made by the tax collector in stating, fixing or collecting the amount of any license tax prevent, prejudice or estop the city from collecting the correct amount due as provided by this article.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-9. Notice of termination of business required.**

The holder of any license required by this article shall notify the city, in writing, of the termination of his business, occupational or professional activity either before the termination date or within ten (10) days thereafter.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-10. Imposition of license tax; evidence of engaging in business.**

(a) There is imposed upon any person, engaged in carrying on any and all professions, trades, callings, occupations, and kinds of business within the city, license taxes in the amounts prescribed by this article. No person shall engage in any business in the city without first having procured a license from the city and paid the tax prescribed or without having complied with the applicable provisions of this article.

(b) This section shall not be construed to require any person to obtain a license prior to engaging in business within the city if such requirement conflicts with applicable statutes of the United States or of the state. Persons not so required to obtain a license prior to engaging in business within the city nevertheless shall be liable for payment of the tax imposed by this article.

(c) Every person who shall conduct a business, profession, trade or calling outside the city and who solicits, canvasses or advertises within the city and delivers his products or performs a service within the city shall pay a license tax.

(d) When any person shall by use of signs, circulars, cards, telephone book or newspapers, advertise, hold out, or represent that said person is engaged in business in the city, or when any person holds an active license or permit issued by a governmental agency for conducting business in the city, after being requested to do so by the collector, then these facts shall be considered prima facie evidence that business is being conducted in the city.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-11. Right of entry of tax collector, revenue investigators, police; arrest authority.**

The tax collector, revenue investigators, and police officers shall have and exercise the power to enter, free of charge, at any time, any place of business for which a license is required by this article, and to demand the exhibition of his license for the current term from any person engaged or employed in the transaction of such business. Denial of right of entry by the licensee or his agents or employees shall be a misdemeanor. Police officers may make arrests in the discharge of their duties for violations of any provisions of this chapter.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-12. Appointment of revenue investigators; general duties.**

There shall be appointed revenue investigators under the civil service rules and regulations. It shall be the duty of the revenue investigators to inspect all places of business

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subject to the provisions of this article and the books and records thereof, and report all violations to the tax collector.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-13. Tax collector, revenue investigators to file complaints.**

It shall be the duty of the tax collector, revenue investigators, or others to whom the duty is given to cause complaints to be filed against all persons violating any of the provisions of this article.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-14. Separate licenses required for separate places of business.**

A separate license must be obtained for each branch establishment or separate place of business in which any trade, calling, profession, occupation or business is practiced, transacted or carried on.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-15. Licenses to be displayed; exhibition upon demand.**

Every person having a license under the provisions of this article and carrying on a trade, calling, profession, occupation or business at a fixed place of business shall keep such license posted and exhibited, while in force, in some conspicuous part of such place of business. Every person having such a license and not having a fixed place of business shall carry such license with him at all times while carrying on the trade, calling, profession, occupation or business for which the license was granted. Every person having a license under the provisions of this article shall produce and exhibit such license when applying for a renewal thereof, and whenever requested to do so by any police officer or by any officer authorized to issue, inspect or collect licenses.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-16. When certificate or permit from health department required.**

Where any trade, occupation, profession or calling as set out in this article is subjected to a certificate of health or sanitary examination, before any license is issued, the applicant must produce such certificate or permit from the county health department.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-17. Exemption for business engaged in interstate commerce or whom conduct business solely with the United States Government.**

No license levied under this article upon practice, transaction or carrying on of any profession, trade, calling, occupation or business licensed by the city shall be presumed to apply to any part of such practice, transaction or carrying on of any profession, trade, calling, occupation or business which is a part of interstate commerce; or in which such practice, transaction, calling, occupation or business is conducted as an agency or department of the United States Government for which such government has failed to make provisions allowing states and municipalities to so tax.

(Ord. No. 7885, § 2, 8-3-92)

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### **Sec. 19-18. Conviction, punishment for failing to have license not to excuse non-payment of tax.**

The conviction and punishment of any person for transacting any trade, calling, profession, occupation or business without a license shall not excuse or exempt such person from the payment of any license due or unpaid at the time of such conviction.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-19. Suspension and revocation.**

Any license issued under the provisions of this article may, for good cause, be suspended or revoked. The determination of suspension or revocation is subject to the provisions of section 19-23, relating to hearings or to the provisions of Chapter 7, relating to businesses regulated.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9240, § 3, 6-21-99)

### **Sec. 19-20. Application for license; information required.**

At a minimum, the applicant shall provide the following information to the tax collector:

- (1) The name of the person to whom the license issued;
- (2) The business licensed;
- (3) The place where such business is to be transacted and carried on;
- (4) The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residence of the owners of same;
- (5) In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning said business;
- (6) In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall include the names and places of residences of the officers or partners thereof;
- (7) Any further information which the tax collector may require to enable the issuance of a license applied for;
- (8) Such other information as may be necessary for the enforcement of this article.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-21. Rules and Regulations authorized; approval; filing; copies required.**

The tax collector is hereby authorized and directed to formulate rules and regulations and prescribe forms and procedures necessary to the efficient enforcement of this article; when approved by the mayor and council, such rules and regulations, forms, and procedures, shall be binding upon and obeyed by all persons taxed by this article, after three (3) copies of any such rules and regulations shall have been filed in the office of the city clerk and there kept for the use of any such taxpayer and the public at any time during regular office hours of that office. A printed copy of all rules and regulations shall be furnished to any person taxed by this section at minimal cost upon request.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-22. Exemption for low business volume.**

There shall be an exemption of half (fifty (50) percent) of the license tax as set out in section 19-41A of this article for persons who are actively engaged in business and whose gross income or gross receipts do not exceed two thousand five hundred dollars (\$2,500.00) for the previous quarter. The licensee shall have the burden of applying for the exemption hereby



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authorized and of establishing the level of gross income or gross receipts derived during that quarter to the satisfaction of the tax collector.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-23. Administrative review; petition for hearing or for redetermination; hearing or redetermination; finality of order.**

The determination of the tax collector of any amount due pursuant to this article is subject to the provisions of section 19-570 of article II, relating to hearings or appeals.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-24. Civil actions.**

(a) *Liens.*

- (1) Any tax, interest or penalty imposed under this article which has become final, as provided in this article, shall become a lien when the city perfects a notice and claim of lien setting forth the name of the taxpayer; the amount of the tax, penalty and interest; the period or periods for which they are due; and the date of accrual thereof, and stating that the city claims a lien therefor.
- (2) The notice of claim of lien shall be signed by the tax collector under his official seal or the official seal of the city; and, with respect to real property, shall be recorded in the office of the county recorder of any county in which the taxpayer owns real property; and, with respect to personal property, shall be filed in the office of the secretary of state. After the notice and claim of lien is recorded or filed, the taxes, penalty and interest in the amounts specified therein shall be a lien on all real property of the taxpayer located in such county where recorded, and all tangible personal property of the taxpayer within the state, superior to all other liens and assessments recorded or filed subsequent to the recording or filing of the notice and claim of lien.
- (3) Every tax imposed by this article, and all increases, interest and penalties thereon, shall become from the time the same is due and payable as a personal debt from the person liable to the city, but shall be payable to and recoverable by the tax collector and which may be collected in the manner set forth in subsection (b) below.
- (4) Any lien perfected pursuant to this section shall, upon payment of the taxes, penalties and interest affected thereby, be released by the tax collector in the same manner as mortgages and judgments are released. The tax collector may, at his sole discretion, release a lien in part, that is against only specified property, for partial payment of moneys due to the city.

(b) *Actions to recover tax.* An action may be brought by the city attorney or other legal advisor to the city designated by the city council, at the request of the tax collector, in the name of the city, to recover the amount of any taxes, penalties and interest due under this article; provided that:

- (1) No action or proceeding may be taken or commenced to collect any taxes levied by this article until the amount thereof has been established by assessment, correction or reassessment; and
- (2) Such collection effort is made or the proceedings begun:
  - a. Within six (6) years after the assessment of the tax;
  - b. Prior to the expiration of any period of collection agreed upon in writing by the tax collector [and] the taxpayer before the expiration of such six-year period, or any extensions thereof; or
  - c. At any time for the collection of tax arising by reason of a tax lien perfected, recorded or possessed by the city under this section.

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(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-25. Collection of taxes when there is succession in and/or succession of business interest.**

(a) In addition to any remedy provided elsewhere in this Code that may apply, the tax collector may apply the provisions of subsections (b) through (e) below concerning the collection of taxes when there is succession in and/or succession of business interest.

(b) The taxes imposed by this article are a lien on the property of any person subject to this article who sells his business, or quits his business for any reason whatsoever, if that person fails to make a final return and payment of the tax within fifteen (15) days after selling or quitting his business.

(c) Any person who purchases, or who acquires by foreclosure, by sale under trust deed or warranty deed in lieu of foreclosure, or by any other method, improved real property or a portion of improved real property for which the tax imposed by this article has not been paid shall be responsible for payment of such tax as a successor in interest.

(d) A person's successors or assignees shall withhold from the purchase money an amount sufficient to cover the taxes required to be paid, and interest or penalties due and payable, until the former owner produces a receipt from the tax collector showing that all city tax has been paid or a certificate stating that no amount is due as then shown by the records of the tax collector.

(e) If the seller of a business or stock of goods fails to obtain a certificate as provided by this section, the purchaser is liable for payment of the amount of taxes required to be paid by the former owner on account of the business so purchased, with interest and penalties accrued by the former owner or assignees.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-26. Successor in Interest Exemptions.**

(a) Any person identified as a successor in interest by definition in section 19-1 of this article may not be subject to the provisions of section 19-25 of this article if that person has withheld from the purchase price an amount equal to or greater than the taxes, interest and penalties owned by the seller and has placed that amount in escrow in the name of the city;

(b) Any person identified as a successor in interest by definition in section 19-1 of this article may not be subject to the provisions of section 19-25 of this article if that person's predecessor has been provided a certificate from the city that no amount is due;

(c) Any person identified as successor in interest by definition in section 19-1 of this article may not be subject to the provisions of section 19-25 of this article if a period of more than twelve (12) months has expired between the time that the successor in interest acquires the property and the time the predecessor quit the business; or

(d) Any person identified as a successor in interest by definition in section 19-1 of this article may not be subject to the provisions of section 19-25 of this article if that person acquired the business or business property only to protect his investment and does not operate the business nor sell the business to another party who will operate the business.

(Ord. No. 7885, § 2, 8-3-92)

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### **Sec. 19-27. Penalty-Failure to provide number of employees information.**

A taxpayer who fails to provide information regarding the number of employees, upon which the license fee as provided in section 19-41A of this article is based, to the city within thirty (30) days following a written request by the city; shall be subject to license revocation and/or other administrative remedies as provided in this article.

(Ord. No. 7886, § 2, 8-3-92)

### **Sec. 19-28. Limitation periods.**

#### *(a) Limitation when a return has been filed.*

- (1) Except as provided elsewhere in this section, the tax collector may assess additional tax due at any time within four (4) years after the month in which the return is required to be filed, or within four (4) years after the month in which the return is filed, whichever period expires later.
- (2) In the event of any delay in commencement or completion of any examination by the tax collector, when the delay is requested by, agreed to, or caused by any act of the taxpayer, all periods of time reasonably attributable to any such delay shall be excluded from the computation of any limitation period prescribed by this section, and the tax collector shall be entitled to make a determination for taxes due without exclusion of any such time period, and any limitation period shall be extended for a length of time equivalent to the period of delay.
- (3) Any assessment of additional tax due by the tax collector shall be deemed to have been made by mailing a copy of a notice of audit assessment by certified mail to the taxpayer's address of record with the tax collector or by personal delivery of a copy of a notice of audit assessment to the taxpayer or his authorized agent.
- (4) Any request by a taxpayer for refund of taxes paid in error must be presented in writing to the tax collector no later than four (4) years after the tax was paid.

#### *(b) Suspension of limitation period.* The limitation period on assessment shall be suspended for the period:

- (1) The assets of the taxpayer are in the control or custody of the court in any proceeding before any court of jurisdiction within the United States of America, and for one hundred eighty (180) calendar days thereafter; or
- (2) Of any extension of time for the expiration of the limitation period which the taxpayer and the tax collector agree upon in writing.

*(c) When no return filed; false/fraudulent return; failure to obtain a license.* In the case of a false or fraudulent return, or failure or refusal to file a return, or civil fraud or evasion, for any period, the tax collector may assess the amount of taxes payable for that month at any time, without any reliance by the taxpayer upon any time limitation provided elsewhere in this article. In addition, there shall be no limitation to the assessment of taxes found to be due for any period where the taxpayer has failed to obtain the license required by this article.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 3, 9-27-93)

### **Sec. 19-29. Discount for timely advance annual payment of taxes.**

(a) A five (5) percent discount shall be given taxpayers paying occupational and liquor license taxes for categories enumerated in sections 19-41 and 19-43 of this Code, for the timely advance annual payment of these taxes.

(b) Payment is timely when received by the finance department prior to the twenty-first day of any calendar quarter.

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(c) The provisions of this section will not apply to taxpayers claiming the exemption authorized pursuant to section 19-22.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-30. Other provisions.**

Except as provided elsewhere in this article, the provisions of this division are hereby incorporated by this reference and made a part of divisions 2, 3 and 4 of article I as though fully set forth therein and shall apply to the tax levied in section 19-41 of division 2 of this article; sections 19-43, and 19-54, of division 3 of this article and section 19-56, of division 4 of this article with full force and effect.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-31. General administration and enforcement.**

The administration of this article is vested in and shall be exercised by the director of finance, or such other person to whom may be assigned the duty of administering, assessing and collecting the taxes hereby imposed except as otherwise specifically provided herein, subject to the direction and supervision of the city manager and the mayor and council; the director of finance, or such other person to whom he may assign the duty of administering, assessing and collecting the taxes hereby imposed, is hereby empowered to enforce the provisions of this article, together with the city attorney, who is hereby charged with the duty of taking, commencing and prosecuting such legal remedies as are provided by law, including this article.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-32. Director of finance to keep records.**

The director of finance shall keep such records and accounts as shall be necessary to adequately show separately the taxes collected under each of the classifications and amounts collected from businesses taxed by this article; the director of finance shall keep full and accurate records of all moneys received by him, and shall preserve all reports and tax returns filed with him pursuant to the terms hereof for a period of four (4) years.

(Ord. No. 7885, § 2, 8-3-92)

### **Sec. 19-33. Refund of prepaid license taxes.**

Taxpayers who provide written notification to the finance department, within the same calendar quarter, that there is a cessation of business, transfer of location, or change of ownership, shall be entitled to a refund of any succeeding prepaid quarters.

(Ord No. 7885, § 2, 8-3-92)

### **Secs. 19-34 - 19-39. Reserved.**

## **DIVISION 2. OCCUPATIONAL LICENSE TAX**

### **Sec. 19-40. Exemptions for occupations paying other taxes.**

(a) The occupational license tax imposed under this division shall not apply to any person licensed and taxed pursuant to divisions 3 and 4 of article I or articles II and III of chapter 19; however, such exemption shall only apply to that portion of business activities for which the tax levied pursuant to divisions 3 and 4 of article I and articles II and III of this chapter must be paid; and, further, such person shall pay an occupational license tax pursuant to this division as to

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any portion of business activities for which the tax levied pursuant to divisions 3 and 4 of article I and articles II and III of chapter 19 is not applicable.

(b) For purposes of the exemption provided in this section, the term "other taxes" does not include regulatory fees paid pursuant to chapter 7 of this Code.  
(Ord. No. 7885, § 2, 8-3-92;; Ord. No. 8128, § 4, 9-27-93)

### **Sec. 19-41. Occupational license tax schedule.**

(a) The occupational license tax set out in the following schedule is hereby established for all businesses, occupations, trades, callings and professions engaged in within the city and shall be paid by all persons who shall practice, transact, carry on or engage in any business, occupation, trade, calling or profession not subject to the imposition of a business privilege tax pursuant to articles II and III of this chapter.

(a)	<i>Number of Employees</i>	<i>Quarterly License Tax</i>
	0 - 10	\$ 24.00
	11 - 35	48.00
	36 - 100	123.00
	over 100	186.00

(b) Taxpayers may select the appropriate method of reporting number of employees from the following options:

- (1) Taxpayer reports same number of employees reported to the Arizona Department of Economic Security; or
- (2) Taxpayer reports number of employees fitting the definition of "employee", as set out in this article; or
- (3) Taxpayers utilizing part-time employees may divide total weekly employee hours by thirty (30) (assuming a 30-hour work week) or divide total annual employee hours by one thousand five hundred sixty (1,560) to determine taxable number of employees by the week or by the year.

**Editor's note**-Taxpayers paying the tax on a quarterly basis would use the weekly method and taxpayers paying the tax on an annual basis would use the annual method of reporting part-time employees.

(c) *Swap meet proprietors, street fair vendors, and trade show dealers.* In lieu of the occupational license tax imposed by subsection a of this section, swap meet proprietors, street fair vendors, and trade show dealers shall pay an occupational license tax as follows:

- (1) *Swap meet proprietor:* Swap meet proprietor occupational license tax is based on gross receipts: Percentage of gross receipts of swap meet proprietor - 4.75%.  
*Payment:* Proprietor occupational license tax shall be due and payable monthly on or before the first day of the second month next succeeding the month in which the tax accrues, and shall be delinquent five (5) days thereafter.  
*Application:* A proprietor license may be issued by the city upon the prior city approval of the application of the proprietor on forms supplied by the city for such a proprietor license and upon the prior payment by the proprietor to the city of a one-time thirty-dollar proprietor occupational license tax application fee.
- (2) *Street fair vendor:* Each street vendor shall pay a tax of seventeen dollars and seventy-five cents (\$17.75) per location per street fair event.
- (3) *Dealers-Trade shows:* Each location, each dealer - \$28.00.

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(d) *Promoter.* Promoters, as defined in this article, shall pay a city license tax per each event as follows:

1 - 10 participants	\$ 24.00
11 - 35 participants	48.00
36 - 100 participants	123.00
over 100 participants	186.00

(Ord. No. 8071, § 1, 6-21-93; Ord. No. 8128, § 4, 9-27-93)

**Secs. 19-42 - 19-50. Reserved.**

### DIVISION 3. LIQUOR AND VENDING

#### MACHINE LICENSE TAX

##### **Sec. 19-51. Imposition-Liquor license tax.**

Businesses in the city, selling alcoholic beverages, shall possess a city liquor license and pay a license tax as set out in section 19-52 of this article.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 5, 9-27-93)

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##### **Sec. 19-52. Quarterly-Liquor license fee schedule.**

Series 1.	Distiller's License	\$225.00
Series 2.	Brewer's License	202.50
Series 3.	Winer's License	103.50
Series 5.	Government License	342.00
Series 6.	Bar License--All spirituous liquor	274.60
Series 7.	Bar License Beer and Wine	117.00
Series 9.	Liquor Store License Packaged Goods	94.60
Series 10.	Beer and Wine Store License--Packaged Beer and Wine	90.00
Series 11.	Hotel/Motel License--All spirituous liquor consumed on premises	342.00
Series 12.	Restaurant License--All spirituous liquor consumed on premises	342.00
Series 14.	Club License	61.20
Series 17.	Governmental License to serve and sell spirituous liquor on special premises	405.00
Series 18.	Daily on-sale special event license	none

(Ord. No. 7885, § 2, 8-3-92)

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##### **Sec. 19-53. Applications.**

Applications for liquor licenses for establishments located within the city limits, whether original or transfer, shall be made in accordance with the following procedure:

(1) Application shall first be made with the State of Arizona Department of Liquor Licenses and Control (State Liquor Board) in such form and manner as required by the board.

(2) A copy of the state application will be sent to the city clerk by the State Liquor Board.

(3) An application for a special event license and an extension of premises shall be filed with the city forty-five (45) days before the date of its proposed use.

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- (4) Upon receipt of a copy of the state application by the city for a license, the applicant shall pay a non refundable application fee to the city conforming to the following schedule:

<i>License Type</i>	<i>Effective July 1, 2003</i>	<i>Effective July 1, 2004</i>	<i>Effective July 1, 2004</i>
<i>Regular</i>			
Original License	\$347.00	\$709.00	\$1,096.00
Location Transfer	347.00	709.00	10.96
Person Transfer	347.00	709.00	1,096.00
Person/Location Transfer	347.00	709.00	1,096.00
<i>Special Event</i>			
0-500 Attendees	35.00	78.00	120.00
501-2500 Attendees	73.00	149.00	231.00
2501-5000 Attendees	91.00	185.00	286.00
Over 5000 Attendees	147.00	299.00	462.00
<i>Extension of Premises</i>			
Initial Application	\$25.00 per 100 square feet, up to a maximum of \$525.00	\$25.00 per 100 square feet, up to a maximum of \$550.00	\$25.00 per 100 square feet, up to a maximum of \$575.00
Subsequent applications for the same type extension of premises as the initial, made within twelve months of the initial application	15.00 per 100 square feet, up to a maximum of 525.00	15.00 per 100 square feet, up to a maximum of 550.00	15.00 per 100 square feet, up to a maximum of 575.00

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9839, §§ 1-3, 5-5-03)

### **Sec. 19-54. Vending machines license fees.**

(a) Before being granted a distributor's license, each applicant therefor shall pay an annual license tax which is hereby imposed in the amount of one hundred fifty dollars (\$150.00) for licenses issued prior to April 1; one hundred twelve dollars and fifty cents (\$112.50) for licenses issued after March 31 and prior to July 1; seventy-five dollars (\$75.00) for licenses issued after June 30 and prior to October 1; and thirty-seven dollars and fifty cents (\$37.50) for licenses issued after September 30 of each calendar year. All distributors' licenses will expire on December 31 of each calendar year. In addition, there shall be paid an annual tax of six dollars (\$6.00) per machine operating or operated in the city, listed in the application. For each machine placed in operation by a new licensee and for each additional machine placed in operation by existing licensees on and after July 1 of each calendar year, the six dollars (\$6.00) tax shall be reduced to three dollars (\$3.00) for the calendar year remainder.

(b) Each owner-operator shall pay a six dollar (\$6.00) annual registration tax for each machine placed in operation prior to July 1 of each year and a three dollar (\$3.00) proportional registration tax for each machine placed in operation on or after that date. All machine registrations shall expire on December 31 of each year and must be renewed annually.

(Ord. No. 7885, § 2, 8-3-92)

## LICENSES AND PRIVILEGE TAXES

### **Sec. 19-55. Business privilege license tax.**

No provision of this division shall be construed to avoid payment of the business privilege license taxes in accordance with this chapter.

### **Secs. 19-56 - 19-65. Reserved.**

## **DIVISION 4. TAX ON HOTELS RENTING TO TRANSIENTS**

### **Sec. 19-66. Tax imposed.**

(a) *Six-percent tax.* Every person who operates or causes to be operated a hotel within the city is subject to and shall pay an occupational license tax in an amount equal to six (6) percent of the rent charged by the operator to a transient. The tax, when due, constitutes a debt owned by the operator to the city which is extinguished only by payment thereof to the city. If the rent is charged by the operator to the transient in installments, the tax thereon shall be due as provided herein for the calendar month in which the installment was charged. Upon the transient's ceasing to occupy space in the hotel, the tax on any uncharged rent shall be due for that calendar month.

(b) *One-dollar surtax.* In addition to the measure of tax established in paragraph (a), there is imposed upon every person who operates or causes to be operated a hotel within the city an additional amount of tax at the rate of one dollar (\$1.00) for each twenty-four[-hour] period or fraction thereof that each occupancy is rented. The amount of such additional tax shall be separately identified in the reports required by the rules and regulations for administration of the transient rental tax to be made by the taxpayer to the city and on the books and records of the taxpayer. The administrative rules and regulations aforementioned shall apply to this additional tax unless in conflict with this paragraph (b).

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 9838, §1, 5-5-03)

### **Sec. 19-67. Registration.**

Within thirty (30) days after commencing business, each hotel within the city renting occupancy to transients shall be registered with the director of finance in the name of the operator. A transient rental tax license will be issued and will be at all times posted in a conspicuous place on the premises. The first of these licenses will be automatically issued to those hotels currently holding a city business privilege license, but this provision in no way relieves the operator of the responsibility of registering such hotel and obtaining a license after the effective date of the section. Thereafter, such license will be issued with the city business privilege license. The license shall, among other things, state the following:

- (1) Name of the operator;
- (2) Address of the hotel;
- (3) The date upon which the license was issued.

(Ord. No. 7885, § 2, 8-3-92; Ord. No. 8128, § 6, 9-27-93)

### **Sec. 19-68. Administration, collection and payment.**

The administration, collection and payment of the tax imposed and levied herein shall be accomplished as provided in the administrative rules and regulations for the transients occupancy tax, three (3) copies of which are on file in the city clerk's office.

(Ord. No. 7885, § 2, 8-3-92)

### **Secs. 19-69 - 19-98. Reserved.**